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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Case No. 19-cv-11881

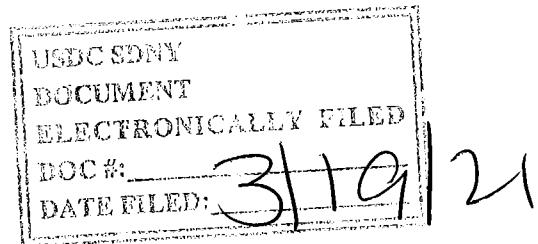
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~~PROPOSED~~ ORDER

YONG BIAO JI
*on his own behalf and on behalf of others similarly
situated*

Plaintiff,
v.

AILY FOOT RELAX STATION INC
d/b/a Foot Relax Spa Station;
LINDA FOOT RELAX SPA STATION
d/b/a Foot Relax Spa Station;
XIANG MAN ZHANG
a/k/a Ailing Zhang and
KE XUE ZHENG



Defendants.

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WHEREAS, Plaintiff and the putative class of individuals having made an application to implement a court-supervised notification to the putative class members under 29 U.S.C. § 216(b), and;

WHEREAS the Court having read and considered the proposed Notice of Pendency and Consent to Joinder form and

WHEREAS the Court finding that there exist substantial and sufficient grounds for entering this Order;

IT IS HEREBY ORDERED that:

1. Within fifteen (15) days after entry of this Order, Defendants shall furnish to Plaintiff's counsel a Microsoft *Excel* spreadsheet containing for each **current and former non-exempt and non-managerial employee** employed at any time from December 29, 2016 to the present by Defendants that individual's

- a. Column A Unique Numerical Identifier;
- b. Column B First Name;
- c. Column C Last Name;
- d. Column D Sex (Male, Female);
- e. Column E Nickname;
- f. Column F Name in Native Language (if applicable);
- g. Column G Position Title
- h. Column H and I Last Known Address with apartment number (if applicable);
- i. Column J City and Zip Code;
- j. Column K Last Known Telephone Number;
- k. Column L Pay/ Day/ Week/ Semi-month/ Month
- l. Column M Start Date;
- m. Column N End Date;
- n. Column O Last Known Email Address,
- o. Column P Social Media Handles--WhatsApp Username, WeChat ID and/or FaceBook usernames (if applicable), and
- p. Column Q Work location, if there are more than one location, of **ALL current and former non-exempt and non-managerial employees** employed at any time from December 29, 2016 to the present by:

- (1) AILY FOOT RELAX STATION INC d/b/a Foot Relax Spa Station, located at 1793 Central Park Ave, Yonkers NY 10710; and
- (2) LINDA FOOT RELAX SPA STATION d/b/a Foot Relax Spa Station, located at 3185 US-46 #17, Parsippany, NJ 07054;

4. This mailing list shall be accompanied by an Affidavit from Defendants certifying that the name list is complete from employment records.

5. **No Defendants or Named Plaintiff shall be included in this list.**

6. This mailing list shall be treated by the Parties as confidential.

7. It is ordered that the Notice of Pendency and Consent to Joinder shall be disseminated, in any relevant language, via mail and email, to all members of the collective.

8. Notice of Pendency and Consent to Joinder may additionally be disseminated via text message, or social media messages, chats, or posts, to all members of the collective.

9. A short form of the notice may also be published to social media groups specifically targeting the Chinese-speaking American immigrant worker community.

10. Relevant languages include English, Chinese language.

11. At the same time that the notice is disseminated by Plaintiff's counsel, Defendants shall post a copy of the notice, in all relevant languages, in a conspicuous and unobstructed locations likely to be seen by all currently employed members of the collective, and the notice shall remain posted throughout the opt-in period, specifically at:

- (1) AILY FOOT RELAX STATION INC d/b/a Foot Relax Spa Station, located at 1793 Central Park Ave, Yonkers NY 10710; and
- (2) LINDA FOOT RELAX SPA STATION d/b/a Foot Relax Spa Station, located at 3185 US-46 #17, Parsippany, NJ 07054;

14. Additionally, in conjunction with dissemination via mail, email, social media social media group and individual chat and posts and text message, a web page shall be established on Plaintiffs' counsel's website which allows for electronic submission of the Consent to Join Form and for potential opt-ins to contact Plaintiffs' counsel for more information.

15. Within thirty (30) days after receipt of a complete and accurate (with all fields filled out and with the correct number of persons) Defendants' Excel spreadsheet, or thirty six (36) days after the entry of this Order, whichever is later, the Plaintiff or their designated representatives shall cause a copy of the Notice of Pendency and Consent to Joinder Form via First Class U.S. Mail and email.

16. A Reminder Postcard shall issue via First Class U.S. Mail and email to members of the Collective who, as of half-way through the completion of the notice period, have not submitted a completed Consent to Join Form;

17. Plaintiff is authorized to create a website where members of the Collective may review the Notice and electronically submit a Consent to Join Form.

18. Plaintiff's counsel may re-mail or re-email notice to any putative collective member whose Notice is returned as undeliverable, with a forwarding address.

19. The Notice of Pendency and Consent to Joinder shall indicate that opt-in plaintiffs must consent to join the action within ninety (90) days from the date notice is mailed.

20. Should Defendants fail to furnish a complete Excel list as detailed in Paragraph 5 above **OR** more than 20% of Notices be returned as undeliverable with no forwarding address, Plaintiff reserves the right to apply to the Court for permission to cause an abbreviated version of the Notice of Pendency, to be published in an English, Chinese [language newspaper and in social media platforms of WhatsApp, WeChat and Facebook at Defendants' expense for Defendants' failure to furnish accurate addresses.

21. The equitable tolling on the statute of limitation on this suit be tolled for 90 days until the expiration of the Opt-in Period.

The Court approves the form of Notice of Pendency and Consent to Joinder, and finds that the mailing of such Notice substantially in the manner and form set forth in paragraph 1 of this Order will constitute the best notice practicable under the circumstances to members of the Class. A copy of the notice will be posted in the agreed upon areas.

**BY ORDER OF THE COURT
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SO ORDERED:

Hon. Vincent L. Briccetti

United States District Judge